

Questions regarding the Wild and Scenic Rivers Act



What is an “Outstandingly Remarkable Value?”

- Rare, uncommon, extraordinary
- A superior example of a widespread value
- Outstanding in a statewide, regional, or national context
- Stream-related
- Based on the expertise of professionals who are knowledgeable about that value

Wild & Scenic River Process: Eligibility



Outstandingly Remarkable Values (ORVs)

- Scenic
- Fish habitat
- Recreation
- Wildlife habitat
- Geologic
- Historic
- Cultural
- Ecological

What is a “scientific” ORV?

- An example of a natural system that provides an outstanding opportunity for scientific study.

Examples:

- remnant, undisturbed vegetation communities
- unusual hydrology systems – regional springs
- outstanding water quality



What is an “historic” ORV?

- Sites or features associated with a significant event, person, or activity.

Examples:

- Historic roads, railroads, and stopovers
- Historic mining facilities
- Ranches that were key to settlement of an area



What are the implications of a “cultural” ORV?

- Can recognize ranching and agricultural practices, if they are significant
- Can recognize historic water use practices
- Focused on current landscape, not future development

Examples:

- Historic water wheels and hydropower plants, and affiliated uses



Are there any ORVs that don't have “water” implications?

- Difficult for ORV to be significant with a dry stream bed
- Some water may be required for historical context and interpretation
- Certain ORVs typically require less water: archaeology, historic, paleontologic,



Wild & Scenic Rivers: Land Use Implications



- Prohibition on “entry, sale, or other disposition” means
 - Lands cannot leave federal ownership
 - Third party uses are allowed – leases, rights-of-way

Wild & Scenic Rivers: Land Use Implications



- Grazing permits can be created, renewed
- Permit conditions and management plan must be reviewed to insures consistency with maintenance of ORVs and water quality

Wild and Scenic Rivers Act and Water Rights



Private Water Rights in Eligible, Suitable or Designated Segments

- Operation, maintenance and access to existing water facilities continues as historically implemented
- Changes to existing facilities and new facilities can be approved if consistent with ORVs, classification, and water quality parameters

Wild & Scenic River Process: Conditional Water Rights



- Not considered during eligibility analysis – this is only an inventory of values
- Analyzed during suitability analysis – construction impacts, flow impacts, economic impacts

Wild & Scenic River Process: Water Exchanges



- Unless segment is designated and has a water right, BLM has no basis to object to exchanges that deplete flows in segment.
- Once designated, BLM could object to exchanges that deplete flows necessary to support ORVs.

Wild & Scenic River Process: Federal Water Rights



- Congressional designation has historically included a federal reserved water right.
- Agency determination of suitability does not include a water right.

Wild & Scenic River Process: Federal Water Rights

- If Congressional designation occurs, the managing agency quantifies the amount and timing of water necessary to support ORVs.
- Water right adjudicated in state court – BLM has been enjoined under McCarran Amendment in Colorado, and must use state water courts.
- The federal water right receives a priority equal to the date of designation – **junior to all existing rights!**

Any Other Wild Questions?

